

**House File 514 - Introduced**

HOUSE FILE 514

BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 179)

**A BILL FOR**

1 An Act relating to environmental protection, including solid  
2 waste, sewage works, hazardous waste, infectious medical  
3 waste, and pesticide and fertilizer contamination.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29C.8A, subsection 1, Code 2011, is  
2 amended to read as follows:

3 1. An emergency response fund is created in the state  
4 treasury. The first one hundred thousand dollars received  
5 annually by the treasurer of state for the civil penalties  
6 and fines imposed by the court pursuant to sections 455B.146,  
7 455B.191, 455B.386, ~~455B.417, 455B.454, 455B.466,~~ and 455B.477  
8 shall be deposited in the waste volume reduction and recycling  
9 fund created in section 455D.15. The next hundred thousand  
10 dollars shall be deposited in the emergency response fund and  
11 any additional moneys shall be deposited in the household  
12 hazardous waste account. All moneys received annually by  
13 the treasurer of the state for the fines imposed by sections  
14 716B.2, 716B.3, and 716B.4 shall also be deposited in the  
15 emergency response fund.

16 Sec. 2. Section 455B.104, subsection 1, Code 2011, is  
17 amended to read as follows:

18 1. The department shall either approve or deny a permit  
19 to a person applying for a permit under this chapter within  
20 six months from the date that the department receives a  
21 completed application for the permit. An application which  
22 is not approved or denied within the six-month period shall  
23 be approved by default. The department shall issue a permit  
24 to the applicant within ten days following the date of  
25 default approval. However, this subsection shall not apply to  
26 applications for permits which are issued under division II or  
27 division IV, parts 2 through 7 5.

28 Sec. 3. Section 455B.411, subsections 5 through 11, Code  
29 2011, are amended by striking the subsections.

30 Sec. 4. Section 455B.426, subsection 2, Code 2011, is  
31 amended to read as follows:

32 2. The director shall investigate all known or suspected  
33 hazardous waste or hazardous substance disposal sites and  
34 determine whether each site should be included in the registry.  
35 In the evaluation of known or suspected hazardous waste or

1 hazardous substance disposal sites, the director may enter  
2 private property and perform tests and analyses ~~in the manner~~  
3 ~~provided in section 455B.416.~~

4 Sec. 5. Section 455B.426, Code 2011, is amended by adding  
5 the following new subsections:

6 NEW SUBSECTION. 3. Beginning July 1, 2011, a new site shall  
7 not be placed on the registry of confirmed hazardous waste or  
8 hazardous substance disposal sites.

9 NEW SUBSECTION. 4. A site placed on the registry of  
10 confirmed hazardous waste or hazardous substance disposal sites  
11 prior to July 1, 2011, shall be removed upon the execution of  
12 a uniform environmental covenant pursuant to the provisions  
13 of chapter 455I relating to the contaminated portions of the  
14 property listed on the registry. A site may also be removed  
15 from the registry pursuant to section 455B.427, subsection 4.

16 NEW SUBSECTION. 5. If no sites remain listed on the  
17 registry of confirmed hazardous waste or hazardous substance  
18 disposal sites, the department shall recommend to the general  
19 assembly the repeal of this section and sections 455B.427  
20 through 455B.432.

21 Sec. 6. Section 455D.15, subsection 3, paragraph a, Code  
22 2011, is amended by striking the paragraph.

23 Sec. 7. Section 455H.102, Code 2011, is amended to read as  
24 follows:

25 **455H.102 Scope.**

26 The environmental remediation standards established under  
27 this chapter shall be used for any response action or other  
28 site assessment or remediation that is conducted at a site  
29 enrolled pursuant to this chapter notwithstanding provisions  
30 regarding water quality in chapter 455B, division III;  
31 hazardous conditions in chapter 455B, division IV, part 4;  
32 hazardous waste and substance management in chapter 455B,  
33 division IV, part 5; underground storage tanks, other than  
34 petroleum underground storage tanks, in chapter 455B, division  
35 IV, part 8; ~~contaminated sites in chapter 455B, division VIII;~~

1 and groundwater protection in chapter 455E.

2 Sec. 8. Section 558.69, subsection 1, paragraph e, Code  
3 2011, is amended to read as follows:

4 e. That no known hazardous waste as defined in section  
5 455B.411, subsection 3, ~~or listed by the department pursuant~~  
6 ~~to section 455B.412, subsection 1,~~ exists on the property, or  
7 if known hazardous waste does exist, that the waste is being  
8 managed in accordance with rules adopted by the department of  
9 natural resources.

10 Sec. 9. Section 716B.1, subsections 5 and 6, Code 2011, are  
11 amended to read as follows:

12 5. "*Storage*" or "*store*" means ~~storage as defined in section~~  
13 ~~455B.411, subsection 9~~ the containment of a hazardous waste,  
14 either on a temporary basis or for a period of years, in a  
15 manner that does not constitute disposal of the hazardous  
16 waste.

17 6. "*Treatment*" or "*treat*" means ~~treatment as defined~~  
18 ~~in section 455B.411, subsection 10~~ a method, technique, or  
19 process, including neutralization, designed to change the  
20 physical, chemical, or biological character or composition of a  
21 hazardous waste so as to neutralize the waste or to render the  
22 waste nonhazardous, safer for transport, amenable for recovery,  
23 amenable for storage, or to reduce the waste in volume.

24 "Treatment" includes any activity or processing designed to  
25 change the physical form or chemical composition of hazardous  
26 waste to render the waste nonhazardous.

27 Sec. 10. REPEAL. Sections 455B.116, 455B.241, 455B.242,  
28 455B.243, 455B.244, 455B.245, 455B.246, 455B.312, 455B.316,  
29 455B.412, 455B.413, 455B.414, 455B.415, 455B.416, 455B.417,  
30 455B.418, 455B.419, 455B.420, 455B.421, 455B.441, 455B.442,  
31 455B.443, 455B.444, 455B.445, 455B.446, 455B.447, 455B.448,  
32 455B.449, 455B.450, 455B.451, 455B.452, 455B.453, 455B.454,  
33 455B.455, 455B.461, 455B.462, 455B.463, 455B.465, 455B.466,  
34 455B.467, 455B.468, 455B.504, 455B.601, and 455B.602, Code  
35 2011, are repealed.

